

Virginia Water Supply Planning Advisory Committee

Tuesday, March 29, 2011

Location: Dominion Resources Services, Glen Allen, VA

Meeting Minutes

Committee Members Present:

Rick Linker, Judy Dunscomb, Scott Smith, Bill Cox, Chuck Murray, Mike Lawless, Beate Wright, Mike Lang for Larry Dame, Whitney Katchmark for John Carlock, Andrea Wortzel for Tom Roberts, Tom Botkins, John Staelin, Art Petrini, Katie Frazier, Rob McClintock, Wes Kleene, John Staelin

DEQ Staff Present

Ellen Gilinsky, Scott Kudlas, Jeff Reynolds, Angela Neilan, Tammy Stephenson, Valerie Rourke, Robert Burgholzer

Others Present

Traci Goldberg, Mark Peterson, Gina Shaw, John Lain, John Martin, Petrina Jones, Mark Davis, Kyong-Jin Lee (guest of Art Petrini)

Mr. Kudlas opened the meeting and welcomed everyone. Introductions were made around the room. Mr. Kudlas thanked Rick Linker and Dominion Resources for hosting the meeting.

Mr. Kudlas began by reviewing the agenda. Everyone agreed the agenda was appropriate for the next steps of the committee.

Ms. Stephenson presented the draft mission statement as completed at the last meeting. The group agreed to this version of the mission statement: *Advise DEQ on the process of developing, implementing, and revising the Commonwealth's water resources plan to ensure water resources are utilized equitably/reasonably, efficiently, and sustainably for all beneficial uses.*

Andrea Wortzel gave a presentation on State Water Supply Planning Efforts in Other States. She presented the Committee with a document making comparisons of the following issues: original water law, current water allocation law, primary water sources, status of water supply plans, process/planning area/participants, Interbasin transfers/instream flows, beneficial/reasonable use, conflict resolution, water supply plan elements. States compared to Virginia were Georgia, Maryland, North Carolina, Pennsylvania, South Carolina, and Texas. The document is an official part of these minutes.

Mr. Kudlas gave a PowerPoint presentation on the State Water Resources Report for 2010. The presentation is an official part of these minutes. The report, which is required by statute, gives a summary of Virginia's Water Resources Management Activities for the year, providing program summaries, significant program activities and accomplishments, water use reporting breakdown by use categories and source types, and

important water resource issues. In Mr. Kudlas' conclusion, he noted challenges that include: monitoring not always occurring where the greatest withdrawals are found, reported data has limitations regarding water sales and transfers, and funding is uncertain with consistent investment needed. Additionally, there is a trend of increased demands on the surface and ground water resources and ground water levels along the fall line and portions of southeast Virginia are reaching critically low levels. The report can be found on DEQ's website.

Mr. Burgholzer gave a presentation on the Virginia Flow Ecology Modeling funded by an EPA grant through the Healthy Watersheds Initiative program. This is phase one of a multi-phased project. Additional information on the project can be found at this link: http://sifn.bse.vt.edu/sifnwiki/index.php/Commonwealth_of_Virginia_Flow-Ecology. Mr. Burgholzer's presentation is an official part of these minutes.

Mr. Kudlas suggested the Committee take public comment at this time. John Martin spoke as citizen from the Charlottesville/Albemarle County community. He is a past president of the Friends of the Moormans River and voiced his concern and desire that there be more flow provided in the Moormans River from the Sugar Hollow Reservoir. Additionally, he wanted to make sure the process of developing the State Water Resources Plan allows for public input. He added that if things go wrong on the local level, he thought there should be an avenue to go to the state.

For the next agenda item, Mr. Kudlas asked the committee to brainstorm that they would like to see in the state plan as a way to provide guidance to the subcommittees as the work on the issues identified in the agenda. The following items were mentioned:

Subcommittee 1: Procedures for incorporating local and regional water supply plans into a state plan

- *Define state plan and its Purpose*
- *Identification of need and opportunities to meet these needs (potentially more regionalization)*
- *Local and regional plans need to be consistent - What happens if state doesn't find a local or regional plan 'consistent with the regulation?'*
- *State plan can't just be a compilation of local/regional plans.*
- *State plan needs to be more than just a document; needs to be dynamic process.*
- *Gather data sets from individual plans; assemble them into a seamless data set; assess conflicts in plans using hydrogeologic model (within watersheds); report that out to relevant planning entities; provide feedback to local and regional plan developers; needs to be accessible*

and able to be updated by the localities and regions (web-based); report on data gaps needed to complete analysis and resources required

- *State Water Resources Plan should include upfront a set of principles, goals, matrix; can provide groundwork for resolving conflicts*
- *SWRP should articulate the assumptions made in alternatives analysis, acknowledging that some are more vague than others, explain why. Also, acknowledge vagueness will change with updated iterations of the plan.*
- *Put existing use and source data in GIS format*
- *Vagueness of local and regional plans – due to lack of funding to conduct needed studies, etc.? Or is specificity not available because urgent need not there*
- *In SWRP, initially identify concrete, undisputable data.*
- *Look at alternatives identified in local and regional plans and identify potential conflicts, options, etc.*
- *Look at known, existing conflicts (even prior to water supply planning effort)*
- *Be a tool for the identification of state resources*
- *Establish mechanics for developing plan, including public notice, etc.; identify public comment process*
- *Identify procedure for developing, then subsequently reviewing and updating SWRP*

Subcommittee 2: (Identification) Minimization of potential conflicts among various submitted plans.

- *Define conflict (hydrologic, allocation)*
- *SWRP role in riparian rights*
- *Look at conflicts among users as well as plans*
- *Look at a way to avoid a rash of permit application (first in, first served)*

Subcommittee 3: Development of methodologies for calculating actual and anticipated future water demand

- *Several options needed, depending upon what type of alternative is being evaluated.*
- *Localities and regions currently use methodologies that they feel meet the needs of that region; may be a combination; need to look at the use of the water (more residential, high-use industry, etc.)*

With this information, the Committee members broke into subcommittees to further discuss their topics.

The subcommittee members and the issues they identified and discussed are as follows:

Subcommittee 1: Procedures for incorporating local and regional water supply plans into a State Plan

Members: Whitney Katchmark (for John Carlock), Rob McClintock, Judy Dunscomb, Scott Smith, Andrea Wortzel (for Tom Roberts), John Staelin, and Bill Cox.

Recorder: Tammy Stephenson

The following will be agenda items for subcommittee meeting(s):

- Develop consensus on purpose of State Water Resources Plan
- Develop a work plan to identify and prioritize elements of the State Water Resources Plan, including a time line
- Evaluate consistency/sufficiency of local and regional water supply plans
- Look at water supply planning from a watershed/basin standpoint
- Develop a process/framework for State Water Resources Plan
- Analyze/evaluate local and regional water supply plan elements for reasonableness (e.g., demand projections)
- Consider whether the State Water Resources Plan should score alternatives
- Determine elements of State Water Resources Plan to include small plans (e.g., Ecological Flow Study, TMDL's, etc.)
- Establish public input process for State Water Resources Plan
- Evaluate statutory hurdles and potential legislative changes needed to improve the process

- Determine what components of local and regional plans that should be included in State Water Resources Plan
- Establish a Procedure for keeping local and regional water supply plans current

Subcommittee 2: (Identification) Minimization of potential conflicts among various submitted plans

Members: Rick Linker, Chuck Murray, Katie Frazier, Scott Smith, Rob McClintock, Tom Botkins

Recorder: Jeff Reynolds

Topics discussed:

- Local and Regional Plans should be considered as a component of the permitting process for better resource management. In turn, permitting will become a more valuable tool to assist in better resource allocation. Under current SWCL, DEQ can advise the SWCB that a permit should not be issued based on conflict, poor planning or other hydrologic conditions.
 - o Does this mean that all withdrawals should eventually be permitted? The group did not fully discuss this.
- To most effectively manage the resource, water resource planning should include an adaptive methodology that quantifies availability of any particular stream segment/aquifer based on the drought of record and further allows for the allocation of surplus water.
- DEQ is likely to be the first to identify potential allocation conflicts based on permit application submissions for particular areas. DEQ should be tasked to provide initial notification of conflict to all affected parties and establish an informal negotiating framework for the parties to collaborate. The parties should be required to employ an open and transparent process that promotes resolution of the water conflict.
- The planning framework should be incentivized by making reporting and compliance presumptive evidence of a riparian or grandfathered right. Good planning (e.g. reservoir planning and construction) should lead to certainty that the localities sponsoring responsible planning efforts receive the benefit of those efforts and certainty of allocation.

Subcommittee 3: Development of methodologies for calculating actual and anticipated future water demand

Members: Art Petrini, Wes Kleene, Mike Lawless, Beate Wright, Mike Lang

Recorder: Valerie Rourke

Topics discussed for future consideration:

- Establish factors or categories to consider
- Unique things,—needs flexibility, different demands for industry, commercial, etc.
- Almost every locality within a regional had exceptions; therefore, tailored approach to locality
- Urban mixed use (UMU) - more volume, therefore, more demand (10,000 gallons/acre)
- Depending on land use (in Comprehensive Plans) - determines water demand
- The more accurately you anticipate land use, the more accurately water demand can be anticipated
- Governing body also affects land use
- Demographics and socio-economic factors also plays a role in water demand
- Need to look at fluctuation in average and peak demands
- If an area is served by a water authority,—there will be more data; to predict demand. -If an area is served by private wells, the harder it is to predict demand
- What is integrity of existing infrastructure relative to I/I problems?
- What is unaccounted for water?
- For slow or no growth communities (rural communities)
 - o Base on population; however, some communities shrinking, but demand is increasing
 - o Businesses within area

- Rural areas – process put together must have some level of confidence. Difficult due to agriculture use – unreported, unquantified. How to address unknowns, e.g., agricultural withdrawals?
- What are aggregate or users that are part of total demand?
- Two methods – bottom up and top down – if curves are similar, then there is greater confidence in results
- What about large users (i.e., Dominion) – an unknown into the future – will they expand/decrease?
- What should methodology look like? Should it be a checklist?
- There are different methodologies. Apply different methodologies. Don't be prescriptive.
- What is data needed for methodology? Standardize this.
- Do other states have methodologies or do they rely on consultants to put forth the methodologies? AWWA has a methodology.
- The data should be standardized to ease/expedite DEQ's review. However, use more than one methodology.
- Needs to be understood by General Assembly and others that short term projections are more accurate than long term projections, but longer term planning (i.e., 30-50 years) is less expensive (e.g. expense to environment, economically, etc.)

Each subcommittee concluded its discussion. It was determined that all three subcommittees would meet at least once prior to the next Advisory Committee meeting scheduled for June (no date yet established). The goal of this additional work is for each subcommittee to develop a “strawman” to achieve the objective in the State Plan. Ms. Stephenson will work with each subcommittee to organize meeting dates and places. Additionally, she will communicate with all committee members to get those absent to sign on to a subcommittee. FOIA rules apply to subcommittees as to the Advisory Committee. Email communication MUST go to a DEQ representative and out to members, if appropriate. Committee members and subcommittee members may not communicate among themselves in committee fashion via email on matters of the Advisory Committee. Ms. Stephenson will send out additional instruction on this to the entire Committee.

Mr. Kudlas said the next meeting agenda will include discussion of the Work Plan he originally developed and that proposed by Mission H20. Ms. Wortzel handed out copies of this work plan, which are included in the official record of this meeting.

Mr. Kudlas adjourned the meeting at 3:15 p.m.

Respectfully submitted by Tammy Stephenson, Committee Coordinator